

4-2-01

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PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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J1025 U.S. PTO

J1033 U.S. PTO
09/02/2001
03/30/01J1033 U.S. PTO
09/02/2001
03/30/01**UTILITY PATENT APPLICATION TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 5315P004
(maximum 12 characters)No. of Pages: 5, including Fee TransmittalFirst Named Inventor Samuel W. Linton

and form PTO/SB/35

Title: A METHOD AND APPARATUS FOR PREDICTING THE BEHAVIOR OF APPLICATIONS BY SIMULATING DATA FLOW THROUGH A DATA COMMUNICATIONS NETWORKExpress Mail Label No. EL 67274 7788 USADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, D. C. 20231**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

1. **Fee Transmittal Form (e.g., PTO/SB/17)**
(Submit an original, and a duplicate for fee processing)
2. **Applicant Claims Small Entity Status. (37 CFR 1.27)**
3. **Specification (Total Pages 18, including cover page)**
(preferred arrangement set forth below)
 - Descriptive Title of the Invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference sequence listing, a table,
or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. **Drawings(s) (35 USC 113) (Total Sheets 3 sheets of 3 figures)**
5. **Oath or Declaration (Total Pages 5)**
 - a. Newly Executed (Original or Copy)
 - b. Copy from a Prior Application (37 CFR 1.63(d))
(for Continuation/Divisional with Box 17 completed)
 - i. **DELETIONS OF INVENTOR(S)** Signed statement attached deleting
inventor(s) named in the prior application, see 37 CFR 1.63(d)(2)
and 1.33(b).
 - c. Unsigned.
6. **Application Data Sheet. (37 CFR 1.76)**
7. CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
 - a. Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. CD-ROM or CD-R (2 copies); or
 - ii. paper
 - c. Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. **Assignment Papers (cover sheet & documents(s))**
10. a. Separate 37 CFR 3.73(b) Statement (where there is an assignee)
- b. Power of Attorney
11. English Translation Document (if applicable)
12. a. Information Disclosure Statement (IDS)/PTO-1449
- b. Copies of IDS Citations
13. **Preliminary Amendment**
14. **Return Receipt Postcard (MPEP 503) (Should be specifically itemized)**
15. Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. **Request and Certification under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.**
17. Other: Check in the amount of \$710.00

18A. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

Continuation Divisional Continuation-in-part (CIP)
Of Prior Application No.: Examiner Group Art Unit
(which is a continuation/ divisional/ CIP of prior application no. _____,
which is a continuation/ divisional/ CIP of prior application no. _____) (List entire chain of priority)

Applicant(s): Also include a Preliminary Amendment to amend the specification to claim priority.

For CONTINUATION AND DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

18B. Statement under 37 CFR 3.73(b) for continuing application:

The undersigned states that _____ (name of assignee) is the assignee of the entire right, title, and interest in the accompanying patent application by virtue of an assignment recorded in the Patent and Trademark Office at Reel. No. _____ Frame No. _____ (or a copy of which is attached).

19. Correspondence Address

Customer Number or Bar Code Label 008791
 or (Insert Customer No. or Attach Bar Code Label here)

Correspondence Address Below

NAME James H. Salter

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

ADDRESS 12400 Wilshire Boulevard

Seventh Floor

CITY Los Angeles STATE California ZIP CODE 90025-1026

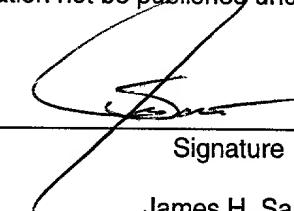
Country U.S.A. TELEPHONE (408) 720-8300 FAX (408) 720-8383

Name (PRINT/TYPE): James H. Salter Registration No.: 35,668

Signature: Salter Date: 3/30/01

REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)First Named Inventor Samuel W. LintonTitle A METHOD AND APPARATUS FOR PREDICTING THE BEHAVIOR OF APPLICATIONS BY SIMULATING DATA FLOW THROUGH A DATA COMMUNICATIONS NETWORKAttorney Docket No. 5315P004

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

3/30/01
Date
SignatureJames H. Salter
Typed or Printed Name35,668
Registration No.

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months after the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Send to: Assistant Commissioner for Patents, Washington, D.C. 20231

FEE TRANSMITTAL FOR FY 2000**TOTAL AMOUNT OF PAYMENT (\$)** 710.00**Complete if Known:**

Application No. Unassigned
 Filing Date March 30, 2001
 First Named Inventor Samuel W. Linton
 Group Art Unit Unassigned
 Examiner Name Unassigned
 Attorney Docket No. 5315P004

METHOD OF PAYMENT (check one)

1. [] The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number _____
 Deposit Account Name _____

- [X] Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17, charge any deficiencies, and credit any over payments to Deposit Account Number 02-2666

- [] Charge the Issue Fee Set in 37 CFR 1.18 at the Mailing of the Notice of Allowance, 37 CFR 1.131(b)

2. [X] Payment Enclosed
 [X] Check in the amount of \$710.00
 [] Money Order
 [] Other

FEE CALCULATION (fees effective 11/29/00)**1. FILING FEE****Large Entity Small Entity**

Fee	Fee	Fee	Fee	Fee Description	Fee Paid
Code	(\$)	Code	(\$)		
101	710	201	355	Utility application filing fee	<u>710.00</u>
106	320	206	160	Design application filing fee	_____
107	490	207	245	Plant filing fee	_____
108	710	208	355	Reissue filing fee	_____
114	150	214	75	Provisional application filing fee	_____
SUBTOTAL (1)				\$	710.00

2. CLAIMS

		Extra	Fee from below	Fee Paid
Total Claims	13	- 20 = 0	X 0	= 0
Independent Claims	1	- 3 = 0	X 0	= 0
Multiple Dependent Claims		0	X 0	= 0

Large Entity Small Entity

Fee	Fee	Fee	Fee	Fee Description	Fee Paid
Code	(\$)	Code	(\$)		
103	18	203	9	Claims in excess of twenty	_____
102	80	202	40	Independent claims in excess of 3	_____
104	270	204	135	Multiple dependent claim	_____
109	80	209	40	Reissue independent claims over original patent	_____
110	18	210	9	Reissue claims in excess of 20 and over original patent	_____
SUBTOTAL (2)				\$	0

FEE CALCULATION (continued)
3. ADDITIONAL FEES

<u>Large Entity</u>	<u>Small Entity</u>	<u>Fee Description</u>	<u>Fee Paid</u>
Fee	Fee		
Code	(\$)	Code	\$)
105	130	205	65
127	50	227	25
139	130	139	130
147	2,520	147	2,520
112	920*	112	920*
113	1,840*	113	1,840*
115	110	215	55
116	390	216	195
117	890	217	445
118	1,390	218	695
128	1,890	228	945
119	310	219	155
120	310	220	155
121	270	221	135
138	1,510	138	1,510
140	110	240	55
141	1,240	241	620
142	1,240	242	620
143	440	243	220
144	600	244	300
122	130	122	130
123	50	123	50
126	180	126	180
581	40	581	40
146	710	246	355
149	710	249	355
179	710	279	355
169	900	169	900
195	300	195	300
196	300	196	300
194	130	194	130
098	130	098	130
091	1,240	091	1,240
Other: _____			

*Reduced by Basic Filing Fee Paid **SUBTOTAL (3) \$ 0**

SUBMITTED BY:

Typed or Printed Name: James H. Salter
 Signature _____ Date 3/30/01
 Reg. Number 35668 Customer Number 008791
 (complete if applicable)

EXPRESS MAIL CERTIFICATE OF MAILING

"Express Mail" mailing label number: EL 67274 7788 US
 Date of Deposit: March 30, 2001

I hereby certify that I am causing this paper or fee to be deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and that this paper or fee has been addressed to BOX PATENT APPLICATION, Assistant Commissioner for Patents, Washington, D.C. 20231.

Barbara Skjiba

Name of Person Mailing Paper or Fee
 Barbara Skjiba
 Signature of Person Mailing Paper or Fee

3/30/01

Date Signed